

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

464T0583

## HOUSE COMMERCE AND ENERGY ENGROSSED NO. **HB 1245** - 2/6/2012

Introduced by: Representatives Greenfield, Hansen (Jon), Russell, Tulson, and Venner and  
Senator Maher

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the suspension of a  
2 driver license for certain alcoholic beverage violations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-9-7 be amended to read as follows:

5 35-9-7. If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a first  
6 offense, the court ~~shall~~ may, in addition to any other penalty allowed by law, order the  
7 suspension of the person's driving privileges for a period not less than thirty days and not to  
8 exceed one year. ~~However~~ Moreover, the court may issue an order permitting the person to  
9 operate a motor vehicle for purposes of the person's employment or attendance at school or to  
10 court-ordered counseling programs during the hours of the day and the days of the week set  
11 forth in the order. The court may also restrict the privilege in some other manner as the court  
12 may see fit for a period not to exceed one year.

13 If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a second or  
14 subsequent offense, the court ~~shall~~ may, in addition to any other penalty allowed by law, order



1 the suspension of the person's driving privileges for a period not less than sixty days and not to  
2 exceed one year. ~~However~~ Moreover, the court may issue an order permitting the person to  
3 operate a motor vehicle for purposes of the person's employment or attendance at school or to  
4 court-ordered counseling programs during the hours of the day and the days of the week set  
5 forth in the order. The court may also restrict the privilege in some other manner as the court  
6 may see fit for a period not to exceed one year.